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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,659	09/29/2003	Chun Te Yu	EL-CFP00414	8271
23364 7590 04/28/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
GALL, LLOYD A				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,659

Applicant(s)

YU ET AL.

Examiner

Lloyd A. Gall

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 38-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2006 and 02 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Claims 40 and 41 are objected to because of the following informalities: In the last line of claims 40 and 41, "blocking" should read --block--. In lines 5-6 of claims 40 and 41, when the block portion is rotated to the second position, the shackle is claimed as being allowed to be rotated about the longer arm. This is confusing, as claim 38, line 11 claims the shorter arm as "remains staying" in the receptacle when the block is rotated to the second position. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Gambino (978).

Gambino teaches a padlock having a longer arm 10, a shorter arm 11 rotatable about the longer arm, a confining block having a block portion (labeled "3") on the right side of Fig. 2 which has a cylindrical portion extending below its block portion 3, the block portion is rotatably disposed outside of the lock body 1 as seen in Fig. 3, and the cylindrical portion of the block is disposed inside the lock body. When the block portion rotates between first and second positions, the shorter arm remains staying in a receptacle 9 of the block in the Fig. 1 condition.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Primak (869).

Primak teaches a padlock having a longer arm and a shorter arm rotatable about the longer arm, a lock body 10, a confining block having a block portion 16 having a portion rotatably disposed outside of the lock body as seen at the right side of Fig. 1, and a cylindrical portion extending downwardly (leftwardly in Fig. 1) from the block portion and receiving the key blade, the block portion having a receptacle defined by the tooth 15 to engage the shorter arm of the shackle. The shorter arm remains staying in the receptacle when the block portion rotates between a first and a second position.

With respect to the following rejection, it is noted that the provisional application 60/443,331 upon which applicant is relying is not regarded as providing a clear support for a longer shackle leg and a shorter shackle leg.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (324) in view of Fleming et al (866).

Loughlin teaches, and relying upon its provisional application 60/470,999, as seen in figs. 5a and 5b, a padlock having a lock body 12, a shackle longer arm 18, a shackle shorter arm 20 rotatable about the shackle longer arm, a block 32 including a rotatable engaging portion disposed outside the lock body and including a top receptacle and a

gap 34. As disclosed in paragraph [0137], the block 32 is positioned above a key cylinder, and the block 32 is connected to the key cylinder with connecting elements (paragraph [0137], line 7). As seen in figs. 14-16, Fleming teaches a well known connection between a key cylinder 95 and an engaging portion 89, including a cylindrical portion 88 received within a lock body 84 and including a slot to receive a connecting element 87 of the key cylinder. It would have been obvious to provide a cylindrical portion below the block portion 32 of Loughlin, in view of the teaching of Fleming et al, to connect to the key cylinder of Loughlin.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin in view of Fleming et al as applied to claim 38 above, and further in view of Lai (672).

Lai teaches a padlock combination lock including a shaft 34, inner sleeves 23 and digit wheels 24. It would have been obvious to modify the combination lock of Loughlin to include a shaft, inner sleeves and digit wheels, in view of the teaching of Lai, to provide expected results.

Applicant's arguments with respect to claims 38-41 have been considered but are moot in view of the above ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoag (700) teaches a block portion 26 and cylindrical portion 22. Yang (906) teaches a block portion (I) and cylindrical portion (K) in figs. 16 and 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
April 25, 2009

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